

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE, WA BAR #32245
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration
FRANCO L. BECIA, WA BAR #26823
Special Assistant United States Attorney
6401 Security Boulevard
Baltimore, MD 21235
Telephone: (206) 615-2114
Fax: (206) 615-2531
Email: Franco.L.Becia@ssa.gov
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
(SACRAMENTO)**

RONALD CLIFTON BYRD,)	Case No.: 2:24-CV-01895-DMC
)	
Plaintiff,)	STIPULATION TO VOLUNTARY
)	REMAND PURSUANT TO SENTENCE
vs.)	FOUR OF 42 U.S.C. § 405(g) AND FOR
)	ENTRY OF JUDGMENT; ORDER
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	
)	

IT IS STIPULATED by and between Plaintiff ("Plaintiff") and Defendant, Commissioner of Social Security ("Defendant"), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

Upon remand, the Appeals Council will remand the case to an Administrative Law Judge (ALJ) to take any necessary action to complete the administrative record, offer Plaintiff a hearing, re-evaluate Plaintiff's subjective complaints, re-evaluate Plaintiff's RFC, continue Stip. for Remand, Order and Judgment; 2:24-CV-01895-DMC

1 through the sequential evaluation process, to include obtaining vocational evidence, while
2 resolving any inconsistencies between the VE testimony, the DOT, and the RFC, and issue a new
3 decision.

4 The parties stipulate that this remand be made pursuant to sentence four of 42 U.S.C.
5 § 405(g), and that Plaintiff may be entitled to reasonable attorney fees and costs pursuant to the
6 Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.
7

8 The parties further request that the Court direct the Clerk of the Court to enter a final
9 judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the
10 Commissioner.
11

12 Respectfully submitted,

13 Dated: September 9, 2024

14 /s/ Jesse S. Kaplan*
15 (*as authorized via e-mail)
16 Jesse S. Kaplan
17 Attorney for Plaintiff

18 Dated: September 9, 2024

19 PHILLIP A. TALBERT
20 United States Attorney
21 MATHEW W. PILE
22 Associate General Counsel
23 Social Security Administration

24 By: /s/ Franco L. Becia
25 Franco L. Becia
26 Special Assistant U.S. Attorney
27 Attorneys for Defendant
28

Stip. for Remand, Order and Judgment; 2:24-CV-01895-DMC

ORDER

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown, **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

Dated: September 10, 2024



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

Stip. for Remand, Order and Judgment; 2:24-CV-01895-DMC